

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DESSIE RUSSELL LONAS,

Plaintiff,

v.

ORDER

OSHKOSH CORRECTIONS INST. and
DEPARTMENT OF CORRECTIONS,

16-cv-752-jdp

Defendants.

DESSIE LONAS,

Plaintiff,

v.

ORDER

JUDGE GRIESBACH, JUDGE BISHEL, JUDGE
ZUDMULDER, A.D.A. DANA JOHNSON, OFFICER
MARY SHARTNER, BROWN COUNTY POLICE
DEPARTMENT, DEPARTMENT OF CORRECTIONS,
ATTORNEY SINGH, and ATTY. KACHINSKY,

16-cv-780-jdp

Defendants.

DESSIE LONAS,

Plaintiff,

v.

ORDER

DANA JOHNSON,

16-cv-790-jdp

Defendant.

DESSIE LONAS,

Plaintiff,

ORDER

v.

STATE OF WISCONSIN,

16-cv-791-jdp

Defendant.

Before the court is a motion to modify the collection of filing fees filed by plaintiff Dessie Lonas. In his motion, plaintiff says that the institution is withholding 100% of his income to pay his federal civil and appellate filing fees. Plaintiff asks to consolidate collection of the appellate filing fees, which would reduce the amount of withholding to 60% of plaintiff's income.

This court is bound by the provisions of the Prison Litigation Reform Act. Under the Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the statutory filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2) until the remaining balance is paid in full. *See Bruce v. Samuels*, 136 S. Ct. 627, 633 (2016).

If the prisoner files additional complaints or appeals, the amount owed increases as well. The Seventh Circuit instructs that "the fees for filing the complaint and appeal cumulate. Otherwise a prisoner could file multiple suits for the price of one" *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997), *rev'd on other grounds by Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000) and *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000). The statute governing the collection of federal-court filing fees does not permit the court to modify collection or suspend any part of plaintiff's income from withholding.

From the November 2017 account statement plaintiff submitted with his motion, it shows that the institution is withholding 40% of his income for the filing fees in the '752 and '780 cases and 60% of his income for the appellate filing fees in the '780, '790 and '791 cases, which is proper. Accordingly. plaintiff's motion to reduce or modify his monthly payments must be denied.

ORDER

IT IS ORDERED that plaintiff Dessie Lonas's motion to modify collection of the filing fees is DENIED.

Entered this 15th day of December, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge